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| Adopted | Rejected |
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COMMITTEE REPORT

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| YES: | 11 |
| NO: | 0 |

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1735, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 5-2-6-14 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and
- 4 witness assistance fund is established. The institute shall administer the
- 5 fund. Except as provided in subsection (e), expenditures from the fund
- 6 may be made only in accordance with appropriations made by the
- 7 general assembly.
- 8 (b) The source of the victim and witness assistance fund is the
- 9 family violence and victim assistance fund established by IC 12-18-5-2.
- 10 (c) The institute may use money from the victim and witness
- 11 assistance fund when awarding a grant or entering into a contract under
- 12 this chapter, if the money is used for the support of a program in the
- 13 office of a prosecuting attorney or in a state or local law enforcement
- 14 agency designed to:
- 15 (1) help evaluate the physical, emotional, and personal needs of

a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) establish and maintain the sex and violent offender directory under IC 5-2-12; ~~and~~

(3) provide training for persons to assist victims; **and**

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system."

Delete page 2.

Page 3, delete lines 1 through 4.

Page 5, line 23, delete "attorney general;" and insert "**department of correction if the department has established an automated victim notification system under IC 11-8-7;**".

Page 5, delete lines 26 through 39, begin a new paragraph and insert: "SECTION 3. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 7. Victim Notification Services

Sec. 1. As used in the chapter, "registered crime victim" refers to a crime victim who registers to receive victim notification services under section 2(a)(4) of this chapter if the department establishes an automated victim notification services under this chapter.

Sec. 2. (a) The department may establish an automated victim notification system that must do the following:

(1) Automatically notify a registered crime victim when a committed offender who committed the crime against the

- 1 victim:
- 2 (A) is assigned to a:
- 3 (i) department facility; or
- 4 (ii) county jail or any other facility not operated by the
- 5 department of correction;
- 6 (B) is transferred to a:
- 7 (i) department facility; or
- 8 (ii) county jail or any other facility not operated by the
- 9 department of correction;
- 10 (C) is given a different security classification;
- 11 (D) is released on temporary leave;
- 12 (E) is discharged; or
- 13 (F) has escaped.
- 14 (2) Allow a registered crime victim to receive the most recent
- 15 status report for an offender by calling the automated victim
- 16 notification system on a toll free telephone number.
- 17 (3) Notify a registered crime victim concerning a change in the
- 18 status of:
- 19 (A) a criminal appeal;
- 20 (B) a writ of habeas corpus proceeding;
- 21 (C) an appeal from the granting of a petition for
- 22 postconviction relief; or
- 23 (D) a postconviction proceeding in a capital case;
- 24 concerning the committed offender who committed the crime
- 25 against the registered crime victim.
- 26 (4) Allow a crime victim to register or update the victim's
- 27 registration for the automated victim notification system by
- 28 calling a toll free telephone number.
- 29 (b) For purposes of subsection (a), if the department establishes
- 30 an automated victim notification system, a sheriff responsible for
- 31 the operation of a county jail shall immediately notify the
- 32 department if a committed offender:
- 33 (1) is transferred to another county jail or another facility not
- 34 operated by the department of correction;
- 35 (2) is released on temporary leave;
- 36 (3) is discharged; or
- 37 (4) has escaped.
- 38 Sheriffs and other law enforcement officers and prosecuting

1 attorneys shall cooperate with the department in establishing and
2 maintaining an automated victim notification system.

3 (c) An automated victim notification system may transmit
4 information to a person by:

- 5 (1) telephone;
- 6 (2) electronic mail; or
- 7 (3) another method as determined by the department.

8 Sec. 3. (a) The department must ensure that the offender
9 information contained in an automated victim notification system
10 is updated frequently enough to timely notify a registered crime
11 victim that an offender has:

- 12 (1) been released;
- 13 (2) been discharged; or
- 14 (3) escaped.

15 (b) The failure of an automated victim notification system to
16 provide notice to the victim does not establish a separate cause of
17 action by the victim against:

- 18 (1) the state; or
- 19 (2) the department.

20 Sec. 4. If the department establishes an automated victim
21 notification services under this chapter, the department, in
22 cooperation with the Indiana criminal justice institute:

- 23 (1) may use money in the victim and witness assistance fund
24 under IC 5-2-6-14(e); and
- 25 (2) shall seek:
 - 26 (A) federal grants; and

- 1 **(B) other funding.**
- 2 **Sec. 5. The department may adopt rules under IC 4-22-2 to**
- 3 **implement this chapter."**
 (Reference is to HB 1735 as introduced.)

and when so amended that said bill do pass.

Representative Ulmer